THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.910 OF 2003

DATED 16.11.2005

BETWEEN

Grandhi Subba Rao, S/o Venkateswara Rao,

R/o Eluru, West Godavari District.

… Petitioner

And

The Chairperson, Eluru Municipality, Eluru,

West Godavari District, and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.910 OF 2003

ORDER:

The petitioner obtained lease of a shop near Khambampati Kannaiah Park, Eluru in the year 1995 on a monthly rent of Rs.2,294/-. The said shop belongs to Eluru Municipality. By proceedings dated 28.5.2002, the second respondent extended the lease in accordance with the resolution of Eluru Municipal Council dated 27.3.2002 for a further period of three years upeo 31.3.2005 on condition of petitioner enhancing rental at $33^{1}/_{3}$%. The petitioner is now running a medical and general store in the name and style of 'Manikanta Medical and Fancy shop'. In this writ petition, he alleges that when there was an objection from the people of the locality, the Municipality initiated action for cancellation of the lease. Therefore, the present writ petition is filed.

This Court while admitting the writ petition passé orders in W.P.M.P. No.1170 of 2003 on 17.1.2004 directing the respondents not to interfere with the petitioner's business in the shop at Khambampati Kannaiah Park, Eluru. As the petitioner's lease itself expired by 31.3.2005, nothing survives in the writ petition. However, Ms.Anitha, Advocate representing Sri P.Rajasekhar, learned Counsel for the petitioner, submits that even after 13.3.2005 the petitioner is continuing as a lessee on monthly rental of Rs.7,000/-. Therefore, the writ petition is disposed of giving liberty to the Municipality to take appropriate decision for extension of the lease in accordance with A.P. Municipalities (Regulation of Receipts and Expenditure) Rules, 1968.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

November 16, 2005.

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